



Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/535,062

05/12/2005

Mauri Kangas

886A.0010.U1(US)

2391

29683 7590 01/11/2008
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

EXAMINER

AU, GARY

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,062

Applicant(s)

KANGAS, MAURI

Examiner

Gary Au

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 14-17 and 23-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-17 and 23-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, see REMARKS, filed 10/15/2007, with respect to the rejection(s) of claim(s) 1 under US Patent Application No. 2003/0211856 (Zilliacus) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent Application 2002/0092024 Nagaoka et al. (Nagaoka) and US Patent No. 7,222,354 Ching et al. (Ching).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 6, 10, 23, 26, 42, 44, 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0092024 Nagaoka et al. (Nagaoka) and further in view of US Patent No. 7,222,354 Ching et al. (Ching).

As to claims 1, 10 and 23, Nagaoka teaches a method and an apparatus comprising: sending to a digital broadcast receiver ([0044]) where the messages comprises at least one of messages derived from a different network ([0061]) and

message emanating from a different network ([0061]). However, Nagaoka fails to disclose message detection data that allows said digital broadcast receiver to identify messages broadcast through said digital broadcast network in at least one individual address corresponding to said digital broadcast receiver, storing said message detection data for use in said digital broadcast receiver to detect messages addressed thereto, wherein said message detection data comprises at least one of message detection data including identity data corresponding to an individual identification code of configuring said digital broadcast receiver to receive individually addressed messages through said broadcast network.

In an analogous art, Ching teaches message detection data that allows said digital broadcast receiver to identify messages broadcast through said digital broadcast network in at least one individual address corresponding to said digital broadcast receiver (col. 3 lines 4-8 and col. 5 lines 16-35), inherently teaches storing said message detection data for use in said digital broadcast receiver to detect messages addressed thereto (col. 3 lines 4-8 and col. 5 lines 16-35, wherein the receiver has to have the group addressing information stored on the receiver to decide which messages belongs to the receiver), wherein said message detection data comprises at least one of message detection data including identity data corresponding to an individual identification code of configuring said digital broadcast receiver to receive individually addressed messages through said broadcast network (col. 3 lines 4-8 and col. 5 lines 16-35, wherein the receiver has to have the group addressing information stored on the receiver to decide which messages belongs to the receiver).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Nagaoka's system to include message detection data that allows said digital broadcast receiver to identify messages broadcast through said digital broadcast network in at least one individual address corresponding to said digital broadcast receiver, storing said message detection data for use in said digital broadcast receiver to detect messages addressed thereto, wherein said message detection data comprises at least one of message detection data including identity data corresponding to an individual identification code of configuring said digital broadcast receiver to receive individually addressed messages through said broadcast network, as taught by Ching, for the advantage of receiving different content based on the demographics (col. 3 lines 4-8).

As to claims 3 and 42, Nagaoka teaches the digital broadcast receiver comprises a set top box (set top box 4 – figure 1, [0036]).

As to claims 5, 26 and 44, Nagaoka teaches the system as described above. However, Nagaoka fails to disclose said digital broadcast receiver has said individual identification code stored therein, and said method includes identifying said identity data and selectively storing in said digital broadcast receiver said detection data corresponding to said stored identity data.

In an analogous art, Ching teaches said digital broadcast receiver has said individual identification code stored therein (col. 3 lines 4-8 and col. 5 lines 16-35,

Art Unit: 2617

wherein the receiver has to have the group addressing information stored on the receiver to decide which messages belongs to the receiver), and said method includes identifying said identity data and selectively storing in said digital broadcast receiver said detection data corresponding to said stored identity data (col. 3 lines 4-8 and col. 5 lines 16-35, wherein the receiver has to have the group addressing information stored on the receiver to decide which messages belongs to the receiver).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Nagaoka's system to include said digital broadcast receiver has said individual identification code stored therein, and said method includes identifying said identity data and selectively storing in said digital broadcast receiver said detection data corresponding to said stored identity data, as taught by Ching, for the advantage of receiving different content based on the demographics (col. 3 lines 4-8).

As to claims 6 and 45, Nagaoka teaches said at least one individual address corresponds to an individual identification code of said digital broadcast receiver ([0053]).

As to claim 49, Nagaoka teaches said digital broadcast receiver is integrated into a display device that displays a video portion from a message received by the digital broadcast receiver ([0044]).

4. Claims 4, 7, 9, 12, 14, 16, 17, 24, 27, 28, 31-34, 36-40, 43, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2002/0092024 Nagaoka et al. (Nagaoka) and further in view of US Patent No. 7,222,354 Ching et al. (Ching) and US Patent No. 6,845,230 (Syed).

Considering claims 12, 28 and 34, Nagaoka teaches a method and an apparatus comprising: sending to a digital broadcast receiver ([0044]) where the messages comprises at least one of messages derived from a different network ([0061]) and message emanating from a different network ([0061]). However, Nagaoka fails to disclose message detection data that allows said digital broadcast receiver to identify messages broadcast through said digital broadcast network in at least one individual address corresponding to said digital broadcast receiver, storing said message detection data for use in said digital broadcast receiver to detect messages addressed thereto, wherein said message detection data comprises at least one of message detection data including identity data corresponding to an individual identification code of configuring said digital broadcast receiver to receive individually addressed messages through said broadcast network.

In an analogous art, Ching teaches message detection data that allows said digital broadcast receiver to identify messages broadcast through said digital broadcast network in at least one individual address corresponding to said digital broadcast receiver (col. 3 lines 4-8 and col. 5 lines 16-35), inherently teaches storing said message detection data for use in said digital broadcast receiver to detect messages addressed thereto (col. 3 lines 4-8 and col. 5 lines 16-35, wherein the receiver has to

Art Unit: 2617

have the group addressing information stored on the receiver to decide which messages belongs to the receiver), wherein said message detection data comprises at least one of message detection data including identity data corresponding to an individual identification code of configuring said digital broadcast receiver to receive individually addressed messages through said broadcast network (col. 3 lines 4-8 and col. 5 lines 16-35, wherein the receiver has to have the group addressing information stored on the receiver to decide which messages belongs to the receiver).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Nagaoka's system to include message detection data that allows said digital broadcast receiver to identify messages broadcast through said digital broadcast network in at least one individual address corresponding to said digital broadcast receiver, storing said message detection data for use in said digital broadcast receiver to detect messages addressed thereto, wherein said message detection data comprises at least one of message detection data including identity data corresponding to an individual identification code of configuring said digital broadcast receiver to receive individually addressed messages through said broadcast network, as taught by Ching, for the advantage of receiving different content based on the demographics (col. 3 lines 4-8).

However, the combined system of Nagaoka and Ching fails to disclose message detection data which is encrypted using a substantially unique key associated with said digital receiver.

Art Unit: 2617

In an analogous art, Syed teaches message detection data which is encrypted using a substantially unique key associated with said digital receiver (col. 13 line 66 – col. 14 line 6).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Ching to include message detection data which is encrypted using a substantially unique key associated with said digital receiver, as taught by Syed, for the advantage of providing security to the data.

Considering claims 4, 24, 31, 36 and 43, Nagaoka teaches storing the data in the digital broadcast receiver ([0044]). However, the combined system of Nagaoka and Ching fails to disclose said digital broadcast receiver has said substantially unique key stored therein, and said method includes decrypting said message detection data with said key at said digital broadcast receiver and selectively storing said decrypted data in said digital broadcast receiver.

In an analogous art, Syed teaches said digital broadcast receiver has said substantially unique key stored therein (col. 13 line 66 – col. 14 line 6), and said method includes decrypting said message detection data with said key at said digital broadcast receiver and selectively storing said decrypted data in said digital broadcast receiver (col. 13 line 66 – col. 14 line 6, where Syed is discussing including encryption key in the data and the receiver would use the key to decrypt the data).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Ching to include said digital broadcast receiver has said substantially unique key stored therein, and said method includes decrypting said message detection data with said key at said digital broadcast receiver and selectively storing said decrypted data in said digital broadcast receiver, as taught by Syed, for the advantage of providing security to the data.

Considering claims 14, 32 and 37, Nagaoka teaches the system as described above. However, Nagaoka fails to disclose said digital broadcast receiver has said individual identification code stored therein, and said method includes identifying said identity data and selectively storing in said digital broadcast receiver said detection data corresponding to said stored identity data.

In an analogous art, Ching teaches said digital broadcast receiver has said individual identification code stored therein (col. 3 lines 4-8 and col. 5 lines 16-35, wherein the receiver has to have the group addressing information stored on the receiver to decide which messages belongs to the receiver), and said method includes identifying said identity data and selectively storing in said digital broadcast receiver said detection data corresponding to said stored identity data (col. 3 lines 4-8 and col. 5 lines 16-35, wherein the receiver has to have the group addressing information stored on the receiver to decide which messages belongs to the receiver).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Ching to include

Art Unit: 2617

said digital broadcast receiver has said individual identification code stored therein, and said method includes identifying said identity data and selectively storing in said digital broadcast receiver said detection data corresponding to said stored identity data, as taught by Ching, for the advantage of receiving different content based on the demographics (col. 3 lines 4-8).

Considering claim 17, Nagaoka teaches said at least one individual address corresponds to an individual identification code of said digital broadcast receiver ([0053]).

Considering claims 7, 16, 27, 33, 38 and 46, the combined system of Nagaoka and Ching teaches the system as described above. However, the combined system fails to disclose said message detection data includes a decryption key corresponding to said address, said decryption key being for decoding encrypted messages sent to said address at said digital broadcast receiver.

In an analogous art, Syed teaches said message detection data includes a decryption key corresponding to said address, said decryption key being for decoding encrypted messages sent to said address at said digital broadcast receiver (col. 13 line 66 – col. 14 line 6, where Syed is discussing including encryption key in the data and the receiver would use the key to decrypt the data).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Ching to include

Art Unit: 2617

said message detection data includes a decryption key corresponding to said address, said decryption key being for decoding encrypted messages sent to said address at said digital broadcast receiver, as taught by Ching, for the advantage of receiving different content based on the demographics (col. 3 lines 4-8).

Considering claims 9, 39, 40 and 48, Nagaoka teaches said message detection data includes a plurality of addresses associated with an individual identification code of said digital broadcast receiver ([0053]). However, the combined system of Nagaoka and Ching fails to disclose decryption keys associated with individual ones of said addresses.

In an analogous art, Syed teaches decryption keys associated with individual ones of said addresses (col. 13 line 66 – col. 14 line 6).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Ching to include decryption keys associated with individual ones of said addresses, as taught by Ching, for the advantage of receiving different content based on the demographics (col. 3 lines 4-8).

5. Claims 2, 15, 25, 29, 30, 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2002/0092024 Nagaoka et al. (Nagaoka) and US Patent No. 7,222,354 Ching et al. (Ching) as applied to claims 1, 10 and 23

Art Unit: 2617

above, and further in view of US Patent Application No. 2003/0056220 Thornton et al. (Thornton).

Considering claims 2, 25 and 41, the combined system of Nagaoka and Ching teaches a method according to claim 1 but fails to disclose the messages comprises MMS messages.

In an analogous art, Thornton teaches MMS message ([0006]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Syed to include MMS message, as taught by Thornton, for the advantage of increasing the media that can be sent among mobile devices ([0006]).

6. Claims 15, 29, 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2002/0092024 Nagaoka et al. (Nagaoka), US Patent No. 7,222,354 Ching et al. (Ching) and US Patent No. 6,845,230 (Syed) as applied to claims 12, 28 and 34 above, and further in view of US Patent Application No. 2003/0056220 Thornton et al. (Thornton).

Considering claims 15, 29, 30 and 35, the combined system of Nagaoka, Ching and Syed teaches a method according to claim 1 but fails to disclose the messages comprises MMS messages.

In an analogous art, Thornton teaches MMS message ([0006]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Syed to include

Art Unit: 2617

MMS message, as taught by Thornton, for the advantage of increasing the media that can be sent among mobile devices ([0006]).

7. Claims 8 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2002/0092024 Nagaoka et al. (Nagaoka) and US Patent No. 6,845,230 (Syed) as applied to claim 1 and 10 above, and further in view of US Patent No. 6,993,327 (Mathis).

As to claims 8 and 47, the combined system of Nagaoka and Syed teaches method of claim 1 but fails to disclose a group address for a message multicast through the network.

In an analogous art, Mathis teaches a group address for a message multicast through said digital broadcast network (col. 6 lines 1-10).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Nagaoka and Syed to include a group address for a message multicast through said digital broadcast network, as taught by Mathis, for the advantage of reducing network traffic (col. 1 line 52 – col. 2 line 9).

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822.

The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA


Rafael Perez-Gutierrez
Supervisory Patent Examiner
Technology Center 2600
Art Unit 2617

1/7/09